

United States Court of Appeals For the First Circuit

No. 09-2139

DONNELL THOMPSON

Plaintiff - Appellant

DARREL ALLEN; KEVIN BACCHUS; ANTHONY BOVA; MICHAEL BRAXTON;
DARRYL BUCHANAN; CARLTON BUFORD; RODNEY CHANEY; WILLARD CLARK;
ALEXANDER CINTRON, Estate of Alexander Cintron; JAMES CONRAD; WILFRED
COOK; DARRELL DOWDELL; KENNETH EDGE; KENNETH EVANS; DAVID FEENEY;
JOHN FOREMAN; WILLIAM FRYAR; FRENCHMAN GLOVER; DAMIAN GRAY;
ROBERT GUDE; CURTIS HOLLOWAY; ARLEY HOWARD; ROGER HUGHES; CHARLES
INGALLS; ALBERT JACKSON; DARRYL JEFFERSON; ERIC R. JOHNSON; GERALD
JONES; SHERMAN JONES; FREDRICK JOYNER; PERIKLES KARAKOSTA; ANTHONY
LEWIS; MICHAEL LOVE; MICHAEL MCGRATH; BRUCE MCDUGAL; GREGORY
MCNEIL; CURTIS MITCHELL; KENNETH MONTGOMERY; MARCEL OLIVER; JEROME
PERRY; CEDRIC A. PHILLIPS; DWAYNE RANDOLPH; RENE ROSARIO; DANIEL
SALIBA; ANTHONY L. SCOTT; SAMPSON SCOTT; RICKY SOUFRANT; STEPHEN ST.
JAMES; EDWARD TIBBS; JERRY TOLBERT; FAURRY VILLATORO; DANA DARISH;
CLIFFORD DEVOE; MICHAEL DUDLEY

Plaintiffs

v.

CORRECTION OFFICER WILLIAM TORRES

Defendant - Appellee

RICHARD J. ROUSE, as Sheriff and individually; SUFFOLK COUNTY SHERIFF'S
DEPARTMENT; RICHARD FEENEY, Suffolk County Superintendent; PATRICK BRADLEY,
Deputy Superintendent of Suffolk County House of Corrections; CORRECTION OFFICER
ARNOLD; SERGEANT BALBONI; LIEUTENANT BASIL; CAPTAIN BEMIS;
CORRECTION OFFICER BRINKLEY; CORRECTION OFFICER BURNS; CORRECTION
OFFICER M. BURNS; CORRECTION OFFICER CAMPBELL; CORRECTION OFFICER
CARRASQUILLO; CORRECTION OFFICER CARTER; CORRECTION OFFICER CHIN;
CORRECTION OFFICER CLAYTON; CORRECTION OFFICER COBBS; SERGEANT
CURTIS; CORRECTION OFFICER CASH; CORRECTION OFFICER DEBOLE;
CORRECTION OFFICER DEVER; CORRECTION OFFICER DIAZ;

CORRECTION OFFICER DOWD; CORRECTION OFFICER EDWARDS; SERGEANT FARANTINO; LIEUTENANT FOGG; CORRECTION OFFICER GALLO; CORRECTION OFFICER GANNON; CORRECTION OFFICER GERO; CORRECTION OFFICER GILLESPIE; CORRECTION OFFICER GORMAN; CORRECTION OFFICER HADIGAN; CORRECTION OFFICER COREY; CORRECTION OFFICER COSTELLO; CORRECTION OFFICER COUGHLIN; CORRECTION OFFICER HICKEY; CORRECTION OFFICER HICKS; CORRECTION OFFICER HODGE; CORRECTION OFFICER HUBERT; CORRECTION OFFICER JERROLD; CORRECTION OFFICER JOHNSON; SERGEANT JULIUS; CORRECTION OFFICER KAISER; CORRECTION OFFICER KELLY; CORRECTION OFFICER KENNEALLY; CORRECTION OFFICER KRISTEN; CORRECTION OFFICER LYDON; CORRECTION OFFICER MAHONEY; CORRECTION OFFICER MALATO; CORRECTION OFFICER MATTER; CORRECTION OFFICER MCCRAY; CORRECTION OFFICER MCDONALD; CORRECTION OFFICER MCGRANE; CORRECTION OFFICER MCNAMARA; CORRECTION OFFICER MCNEELY; CORRECTION OFFICER MCNEIL; SERGEANT MELCHIN; SERGEANT MURPHY; CORRECTION OFFICER NAPOLINO; CAPTAIN O'BRIEN; CORRECTION OFFICER OPONASET; CORRECTION OFFICER OWENS; CORRECTION OFFICER HAYES; CORRECTION OFFICER HEALY; CORRECTION OFFICER HERRON; CORRECTION OFFICER PAGE; CORRECTION OFFICER PINNIX; SERGEANT POLINO; SERGEANT POWELL; CORRECTION OFFICER POWERS; CORRECTION OFFICER D. POWERS; SERGEANT RECKER; CORRECTION OFFICER ROBERTS; CORRECTION OFFICER ROSS; CORRECTION OFFICER SAVELLO; CORRECTION OFFICER SCHLEYHUBER; CORRECTION OFFICER SIMPSON; CORRECTION OFFICER SINCLAIR; CORRECTION OFFICER SMITH; CORRECTION OFFICER TUCCI; CORRECTION OFFICER TEDESCO; CORRECTION OFFICER TROTMAN; CORRECTION OFFICER VECCHIARP; CORRECTION OFFICER WHITE; SERGEANT WHITING; CORRECTION OFFICER WISE; CORRECTION OFFICER WILSON; CORRECTION OFFICER ZOEBISCH; CORRECTION OFFICER DONAHUE

Defendants

ORDER OF COURT

Entered: November 25, 2009

This court has docketed defendant Donnell Thompson's appeal from the partial judgment that entered on August 17, 2009 in Civil Action No. 00-10981-RWZ (D. Mass.). We retain jurisdiction, but remand to the district court for a statement of reasons in support of the entry of judgment pursuant to Fed. R. Civ. P. 54(b). See Spiegel v. Trustees of Tufts College, 843 F.2d 38, 43 (1st Cir. 1988) (district court "should ordinarily make specific findings setting forth the reasons" for entry of judgment pursuant to Rule 54(b)); Santa Maria v. Owens-Illinois, Inc., 808 F.2d 848, 854 (1st Cir. 1986) ("talismanic statement...that 'there is no just reason for delay'" is insufficient; district court should "clearly articulate the factors that it has considered and its reasoning in granting the Rule 54(b) certification"). The district court is requested to furnish its reasons within ten days of the date of this order.

By the Court:

/s/ Margaret Carter, Chief Deputy Clerk

cc: Honorable Rya W. Zobel
Sarah Allison Thornton, Clerk of Court
Ellen M. Caulo
James M. Davin
Alicia M. Duff
Sean T. Goguen
Theodore H. Goguen
John D. Hanify
Michael G. Lange
Joseph M. Mahaney
Steven D. Morris
Michael R. Perry
Maria F. Romero-Carbone
Kenneth E. Steinfield